

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

AJC INTERNATIONAL, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 1:13-CV-84 (WLS)
	:	
NORFOLK SOUTHERN CORP.,	:	
GEORGIA COLD STORAGE, and	:	
UNION PACIFIC RAILROAD,	:	
	:	
Defendants.	:	
	:	

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**ORDER**

This collection action was filed by Plaintiff AJC International, Inc. (“AJC”) on May 13, 2013, and amended on June 5, 2013. (Docs. 1 & 8.) On August 5, 2013, Defendants Norfolk Southern Railway Company (“Norfolk”) and Union Pacific Railroad (“Union”) answered the amended complaint and filed crossclaims against Defendant Georgia Cold Storage (“GA Cold”) for common law indemnity. (Doc. 15 & 17.) Subsequently, GA Cold answered the amended complaint and crossclaims, and filed crossclaims against Norfolk and Union for contribution under the Carmack Amendment. (Docs. 13, 22, 23, 26 & 27.)

On July 31, 2014, GA Cold moved for summary judgment on AJC’s claim on the ground that such claim is barred by failure to file suit “within the time required by the terms of the warehouse receipts issued by [GA Cold] for the chicken at issue in this case.” (Doc. 38.) GA Cold did not move for summary judgment on any crossclaim, and no other Party has moved for summary judgment. (*See* Docs. 38 & 38-1.) AJC consents to summary judgment in GA Cold’s favor as to AJC’s claim. (Doc. 40.) Upon review of GA Cold’s Motion for Summary Judgment (Doc. 38-1) and the terms of the contract between GA Cold and AJC (Doc. 38-4 at 13), the Court finds that GA Cold is entitled to summary judgment as to AJC’s claim as alleged in the amended complaint. For that reason, Defendant Georgia Cold Storage’s Motion for Summary Judgment (Doc. 38) is **GRANTED**. Remaining in this case

are AJC's claims against Norfolk and Union (*See* Docs. 1 & 8), indemnification claims against GA Cold by Norfolk and Union (*See* Docs. 15 & 17), and GA Cold's contribution claims against Norfolk and Union (*See* Docs. 26 & 27).

**SO ORDERED**, this 28<sup>th</sup> day of October 2014.

/s/ W. Louis Sands

**W. LOUIS SANDS, JUDGE**  
**UNITED STATES DISTRICT COURT**